

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HUMBERTO FEIJOO,  
Plaintiff,

v.

CIVIL ACTION NO.  
14-12833-IT

LUIS SPENCER, et al.,  
Defendants.

PROCEDURAL ORDER

On June 30, 2014, plaintiff Humberto Feijoo, a prisoner confined to MCI - Shirley, paid the \$350 filing fee and filed his pro se, civil rights complaint naming as defendants the Commissioner of Correction, the Superintendent of MCI Shirley, a hearing officer and a disciplinary board officer. See Docket No. 1. With his complaint, plaintiff filed a motion requesting appointment of counsel "since plaintiff is indigent and declared so in previous cases." See Docket No. 2.

Here, plaintiff paid the \$350.00 filing fee. See 28 U.S.C. § 1914(a)(\$350.00 filing fee for all non-habeas civil actions). However, he did not pay the \$50.00 administrative fee.<sup>1</sup>

In order to proceed with this action, plaintiff must either (1) pay the \$50.00 administrative fee; or (2) move for leave to proceed without prepayment of the filing fee. For the convenience of litigants, this Court provides a form application for seeking IFP status. Because plaintiff is a prisoner, his

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<sup>1</sup>The \$50.00 administrative fee became effective May 1, 2013, and does not apply to persons proceeding in forma pauperis. See Judicial Conference Fee Schedule.

application to proceed in forma pauperis must be accompanied by "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2).

Accordingly, it is hereby ORDERED that:

- (1) Plaintiff must either (1) pay the \$50.00 administrative fee; or (2) move for leave to proceed without prepayment of the filing fee. Failure of plaintiff to comply with this directive within 42 days of the date of this Order may result in the dismissal of this action;
- (2) If plaintiff elects to seek in forma pauperis status, it must be accompanied by a certified copy of his prison account statement. The Clerk shall provide plaintiff with an Application to Proceed in District Court Without Prepaying Fees or Costs;
- (3) Plaintiff's motion for appointment of counsel is denied without prejudice to renewal after the filing fee issue has been resolved; and
- (4) No summonses shall issue pending further Order of the Court.

SO ORDERED.

July 21, 2014  
DATE

/s/ Indira Talwani  
INDIRA TALWANI  
UNITED STATES DISTRICT JUDGE